

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America)
)
) CASE NO. 1:07CR404
Plaintiff-Respondent,)
) 1:08CV930
)
v.) M E M O R A N D U M
)
Anthony Jerdine) O P I N I O N
)
)
Defendant-Petitioner.)
)

The defendant petitioner has filed a motion (#62) to vacate his sentence for violation of supervised release pursuant to Title 28 U.S.C. Section 2255 on the 10th of April, 2008.

The Court finds that the defendant has an appeal pending in the United States Court of Appeals for the Sixth Circuit. (See case #08-3526)

As a consequence the petition for habeas relief is dismissed without prejudice to refiling in the event his sentence for a violation of his supervised release is affirmed by the Sixth Circuit.

The Court will not issue a certificate of appealability.

IT IS SO ORDERED.

April 17, 2008
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge